HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1232 (MS) OF 2005

Lt. Colonel V.K. Mishra,
S/o late Shri S.R. Mishra,
R/o 90/3, Park Road,
Dehradun. .....Petitioner.

Versus

Ajay Kumar,
S/o Shri R.K. Gupta,
R/o 15-B, Katchery Road,
Dehradun, District-Dehradun. .....Respondents.

Sri Lokpal Singh, Advocate for the petitioner.

Dated: 31.07.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 17.09.2005 passed by the learned Civil Judge (Sr. Division)/Fast Track Court, Dehradun.

2. In Explanation II incorporated in Section 115 of the Civil Procedure Code on 16th March, it has been stated as under:

> "The provision of this section shall also be applicable to orders passed, before or after the commencement of this section, in original suits or other proceedings instituted before such commencement."

3. In view of the aforesaid amendment, a remedy is available with the petitioner to file revision before the District Judge against the order dated 17.09.2005.

4. However, the writ petition is dismissed on the ground of alternative remedy.

(Rajesh Tandon, J)

31.07.2006
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